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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/340,771	06/28/1999	DAVID LEWIS MYERS	13944	4334

7590 07/03/2002

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NEENAH, WI 54956

EXAMINER

PRATT, CHRISTOPHER C

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 07/03/2002

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Mail

ME=16

**Office Action Summary**

Application N .

09/340,771

Applicant(s)

MYERS, DAVID LEWIS

Examin r

Christopher C. Pratt

Art Unit

1771

-- The MAILING DATE of this communication appears n the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 . 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's Affidavit and accompanying remarks filed 5/14/02 have been entered and carefully considered. Applicant's arguments are found to overcome rejections set forth in the previous action. Despite this advance, Applicant's arguments are not found persuasive of patentability for reasons set forth herein below.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-13, 16-23, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rousseau et al (6002017) in view of Bates et al (5955546).

Rousseau is concerned with the creation of a nonwoven electret filter web (col. 11, lines 45-47). Said web comprising fibers formed from a thermoplastic polymer comprising polyolefin (col. 6, lines 35-42). Rousseau teaches the use of a telomer; however, applicant previously argued that Rousseau only taught said telomer to be used as a linking group and not a functional end group.

Bates is concerned with the creation of miscible polyolefin blends used to form films. Bates teaches adding applicant's claimed telomers as functional end groups (col. 22, lines 38-65). It would have been obvious to a person having ordinary skill in the art

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to add the functional end groups of Bates to the polymer composition of Rousseau.

Such a combination would have been motivated by the desire to functionalize Rousseau's fibers.

Rousseau teaches the use of meltblown fibers (col. 10, lines 56-58).

4. Claims 14-15, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rousseau et al (6002017) in view of Bates et al (5955546) and Midkiff et al (5707735).

The combination of Rousseau and Bates fails to teach multicomponent fibers, spunbond fibers, and SMS laminates. Midkiff is concerned with the creation of nonwoven webs used as filters (col. 1, lines 20-25). Midkiff teaches the use of spunbond fibers, multicomponent fibers, and SMS laminates (col. 1, line 25 and col. 3, lines 56-60). It would have been obvious to a person having ordinary skill in the art to utilize spunbond fibers, conjugate fibers and SMS laminates in the web created by the combination of Rousseau and Bates. Such a modification would have been motivated by the desire to vary the filtration capabilities of the filter in order to render said filter suitable for a variety of end use applications.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Pratt whose telephone number is 703-305-6559. The examiner can normally be reached on Monday - Friday from 7 am to 4 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned, are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Christopher C. Pratt  
June 23, 2002



CHERYL A. JUSKA  
PRIMARY EXAMINER